

# Notice of Allowability

Application No.

10/017,754

Examiner

Jeffrey Fredman

Applicant(s)

HENDERSON ET AL.

Art Unit

1634

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 25, 2003.
2. ☒ The allowed claim(s) is/are 12,20-23 and 25.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892)  | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____    | <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | <input type="checkbox"/> Other  |

  
JEFFREY FREDMAN  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carol Laherty on October 28, 2003.

The application has been amended as follows:

Claims 1-11, 13-19, 24 and 26 were cancelled without prejudice. The remaining claims were amended as follows.

12. (Currently Amended): An isolated T cell population, comprising T cells prepared by stimulating and/or expanding T cells according to the method of any one of claims 20-23 and 26-25, wherein said population comprises T cells are specific for the immunogenic portion of the amino acid sequence of SEQ ID NO:809.

20. (Previously presented): A method for stimulating and/or expanding T cells specific for a tumor protein, comprising contacting T cells with a polypeptide comprising an immunogenic portion of the amino acid sequence of SEQ ID NO:809 under conditions and for a time sufficient to permit the stimulation and/or expansion of T cells.

21. (Previously presented): The method of claim 20, wherein the polypeptide comprises the amino acid sequence of SEQ ID NO:809.

22. (Previously presented): The method of claim 20, wherein the immunogenic portion comprises at least ten consecutive amino acid residues of the amino acid sequence of SEQ ID NO:809.

23. (Previously presented): The method of claim 20, wherein the immunogenic portion comprising contiguous amino acid residues of SEQ ID NO:809 selected from the group consisting of: 16-35, 21-40, 26-45, 31-50, 71-90, 86-105, 91-110, 96-115, 101-120, 106-125, 111-130, 116-135, and 131-150.

25. (Previously presented): A method for stimulating and/or expanding T cells specific for a tumor protein, comprising contacting T cells with antigen-presenting cells that express a polypeptide comprising an immunogenic portion of the amino acid sequence of SEQ ID NO:809 under conditions and for a time sufficient to permit the stimulation and/or expansion of T cells.

When the claims are renumbered, claim 12 will be placed at the end (since it depends from the other claims).

2. The following is an examiner's statement of reasons for allowance: The claimed invention is drawn to methods of stimulating/expanding T-cells and the T-cell populations which result. The prior art of Brinkman falls for the reasons given by Applicant, specifically that the reference is unclear whether the Xage-1 sequence was known or used by Brinkman prior to the date of the invention. Therefore, the reference is not prior art, and the 103 rejection must fall. There is no other teaching or suggestion


in the prior art of the sequence of SEQ ID NO: 809, so the claimed invention is novel and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Fredman whose telephone number is 703-308-6568. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 703-308-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.



Jeffrey Fredman  
Primary Examiner  
Art Unit 1634